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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OBSERVER MISSION IN EL SALVADOR

I. INTRODUCTION

1. The present report is the fourth in a series of reports that I have been submitting to the Security Council on the activities of the Electoral Division of the United Nations Observer Mission in El Salvador (ONUSAL) concerning the elections of 20 March 1994. My most recent report (S/1994/304) of 16 March 1994 contained a summary of the activities of the Electoral Division and an overview of the conduct of the electoral process up till election day. The purpose of this report is to provide a general assessment of election day.

II. PARTICIPATION IN THE ELECTIONS

2. At the time of writing the present report, it is estimated that some 1,500,000 voters participated in the election, which would be an increase of nearly 400,000 compared with the elections of 1991 and 1989. This amounts to 55 per cent of the 2,722,000 persons on the electoral rolls. Although it is substantially higher than in earlier elections, this participation is lower than what many had been hoping for. It is attributable, at least in part, to some structural problems of the system which were pointed out in earlier reports. First of all, the complex system of Salvadorian registration means that citizens must invest a considerable amount of time in order to obtain a voter card. Secondly, the limited number of polling centres means that voters must travel considerable distances in order to be able to vote. These drawbacks of an electoral system that was inaugurated in the early 1980s were not corrected in time for these elections. To this must be added other specific problems observed on election day, 20 March, about which more will be said later on.

III. THE RESULTS OF THE ELECTION

3. In order to provide the population quickly with information regarding the election results, the Supreme Electoral Tribunal organized a provisional count of the votes. The system was based on transporting a copy of the tally sheets

from the polling stations directly to San Salvador by car and helicopter. The tally sheets were processed at the operations centre set up for that purpose by a specialized company which had recently carried out the same type of work in other countries in the region. The system was tried out on four successive Sundays and, during the last two trials, the coverage was 100 per cent and success complete. However, the actual operation of the system appears to have presented difficulties since, three days after the polls closed, the provisional count was still not complete. The greatest difficulty was found in transporting the data to the place where the count was being taken, since there were no problems with the computing system. The provisional count was suspended on Wednesday, 23 March, when some 82 per cent of the votes had been computed. On the basis of these data, the results of the presidential election published by the Tribunal are as follows: Alianza Republicana Nacionalista (ARENA) 49.26 per cent; Movimiento Nacional Revolucionario (MNR) - Convergencia Democrática (CD) - Frente Farabundo Martí para la Liberación Nacional (FMLN) coalition 25.29 per cent; Partido Demócrata Cristiano (PDC) 16.01 per cent; Partido Conciliación Nacional (PCN) 5.23 per cent; Partido Movimiento de Unidad (PMU) 2.39 per cent; Movimiento de Solidaridad Nacional (MSN) 1 per cent and Movimiento Auténtico Cristiano (MAC) 0.82 per cent. These results basically tally with the quick count carried out by ONUSAL and with the count carried out by the principal political parties.

4. Based on these results, the President of the Tribunal declared that since no candidate obtained more than 50 per cent of the votes, there would be a second round, however, a definitive, official announcement has yet to be made. That same day, 23 March, the final count of the presidential votes began and continued until Monday, 28 March. It will be some time before the complete results of the elections for the Legislative Assembly and the municipalities are known, although available data would seem to indicate that ARENA will have a relative majority in the Assembly and that it has won most of the mayoral districts.

5. No party has challenged the results of the presidential election but, at the time of writing this report, the results of the municipal elections have been challenged in more than 40 mayoral districts. Most of the challenges have been made by FMLN, and a lesser number by the Partido Demócrata Cristiano, the Partido Movimiento de Unidad and ARENA. These challenges are based on disagreements regarding the count, especially the characterization of certain votes as invalid. In several cases the grounds for the challenge is the absence of the Partido Movimiento de Unidad symbol from the ballot papers of some municipalities. The election to the Legislative Assembly has been challenged by FMLN in La Unión department, on the grounds that the count was interrupted the night of 20 March, in the capital of the department. It is likely that many of these challenges will be resolved by mutual agreement in the course of the final count. Those that are not will have to be resolved by the Tribunal, against whose decisions there is no appeal.

IV. THE CONDUCT OF THE ELECTION

6. In El Salvador, the only persons able to vote are those whose names are on the electoral roll and who, when they come to vote, are able to produce an identity document issued by the Supreme Electoral Tribunal, the data on which must tally with those on the electoral roll. In each municipality, the electoral roll is divided into lists of 400 persons for each polling station in alphabetical order. In each municipality the polling stations are concentrated in a small number of polling centres. For the elections of 20 March, there were 355 such centres which contained anywhere from one polling station in two small municipalities to 280 in the gigantic centre set up in the international fair ground in San Salvador. One practical consequence of this system of organization was that most voters had to travel a considerable distance in order to exercise their right to vote. As was pointed out in earlier reports, given the practical impossibility of screening the electoral roll to remove the names of deceased voters and to identify possible double registrations, voters had their fingers stamped with indelible ink so as to preclude the possibility of anyone voting twice.

7. ONUSAL monitored proceedings on election day by deploying nearly 900 observers of 56 nationalities who covered all polling centres with teams of between 2 and 30 observers. The observation continued for a total of more than 15 hours from the time the polling stations were set up to the completion of the count. This massive presence of ONUSAL made it possible throughout election day to resolve countless practical problems of organization of the voting. A team of 40 specialized observers is currently monitoring the official count of the votes in the Supreme Electoral Tribunal. The observers collected information on the events of election day on more than 7,000 forms (one for each of the 6,984 polling stations and the 355 polling centres) which were subsequently compiled by the Electoral Division and which constitute the basic documentary source for evaluating the conduct of the elections on election day.

8. ONUSAL made a quick count based on a random sample of 291 polling stations, which made it possible to have a reliable projection of the outcome of the presidential election two hours after the polls closed. As is customary in such cases, the information was transmitted by the head of the Mission to the Supreme Electoral Tribunal. The difference between the quick count and the provisional results provided by the Tribunal is 0.5 per cent.

9. In general, there were no serious incidents affecting law and order on election day, and no ballot-rigging. The trend towards fewer violent incidents in recent months culminated in complete calm on election day. The security forces had a normal day, carrying out their duties at election rallies and other activities, and patrolling polling centres. As provided for in the legislation - and unlike what happened during earlier elections - the armed forces did not take part in election security operations; they confined themselves to performing their routine duties.

10. There was political pluralism in the constitution of the electoral authorities at all operational levels, and the parties were all represented on such electoral agencies as the Monitoring Board, the departmental electoral boards, the municipal electoral boards and the polling station teams. ONUSAL

observers noted the presence of monitors from the main political parties at all polling stations, and noted no interference with their work. This massive presence of monitors and the ease with which they were able to convey their concerns to ONUSAL observers made it difficult for serious irregularities to occur without being documented on the forms which the observers completed for each polling station. Only eight reports of serious incidents were received, none of them of such a nature or on such a scale as to make the problem intractable or to have a significant effect on the results of the election. The most serious incidents had to do with the large number of voters with voter cards whose names were not on the register. This happened in two municipalities of San Salvador (Zacamil and Soyapango) and in one municipality of San Miguel (Nueva Guadalupe). In these three cases, the interim solution was to prepare a special ballot box for those voters.

11. For the most part, the polling stations operated normally, although quite often they opened after 7 a.m. - because some of the voting material was missing, because members of the polling station team were late or because there was too large a crowd of voters at locations that did not have the capacity to handle them. The indelible ink, which is of considerable importance in preventing people from voting more than once, was, in general, applied properly. There were no reports to the contrary.

12. Up to the night before the elections, there had still been no solution to the problem of the four municipalities of Chalatenango (Arcatao, San José Las Flores, San Isidro Labrador and Nueva Trinidad) from which the Supreme Electoral Tribunal had decided that voting should be moved to the departmental capital, citing security considerations and the scarce population, which were described as reasons of force majeure. On the night of 19 March, the Tribunal ruled that the election for each of these municipalities would be held simultaneously at two locations, the municipality itself and the capital of the department. All the parties accepted this ruling. Voting took place normally, and the votes were counted in the city of Chalatenango, to which the ballot boxes from the four municipalities were transported. ONUSAL observers accompanied the materials being delivered, and were in attendance when the elections were conducted and when the votes were counted.

13. In addition to the positive factors described above, there were serious difficulties in organizing the voting and preparing the electoral roll. Because of the over-concentration of polling stations at the few polling centres, it was very difficult for voters to find the tables where they were supposed to vote. The problem was particularly serious in the urban areas, especially in the greater San Salvador area, where 30 per cent of the electorate is concentrated. There was also insufficient public transport, especially in the urban areas, and that made it difficult for many voters to reach polling centres far from their homes. It seems that a considerable number of electors gave up because they could not easily find a polling centre or because there was no transport; but it is difficult to say exactly how many, and all the parties were affected.

14. In addition, many citizens with voter cards were unable to vote, because their names were not on the list, save for those voters who were able to vote at the specially equipped tables in the municipalities of Zacamil, Soyapango and Nueva Guadalupe. ONUSAL estimates that over 25,000 people, i.e. nearly

2 per cent of the electorate, were thus affected. There were also citizens who were unable to vote because others had used their names to vote. ONUSAL has determined that a very small number was involved. It is regrettable that despite the strenuous efforts to register new voters made by ONUSAL, the donor countries and non-governmental organizations, the Supreme Electoral Tribunal failed to produce a more adequate electoral roll.

15. The training provided to members of the polling station teams and to party monitors was clearly inadequate. The Tribunal was late in starting the training seminars, and training materials became available only a few days before election day. This happened even though support from the international community and assistance from the Centre for Advisory Services and Electoral Promotion were available long enough in advance to guarantee adequate training in good time and in due form.

V. PRACTICAL RECOMMENDATIONS

16. Since there is soon to be a second round for the presidential election, the anomalies recorded in the first round should be eliminated, in the light of the experience gained by the Supreme Electoral Tribunal from the process that took place on Sunday, 20 March. In a letter dated 24 March to the Supreme Electoral Tribunal ONUSAL expressed its views regarding what measures could be taken prior to the second round in order to deal with the shortcomings identified.

17. A number of measures have already been taken as of the completion of this report, including the reform of the Electoral Code by the Legislative Assembly, thus permitting the issuance of voter cards between the first and second rounds. Another step that should be taken is to increase the number of polling centres, particularly in urban areas and especially in San Salvador. Even though the experience gained on 20 March has improved the operational capacity of the electoral personnel, their training must be strengthened. Properly trained, clearly identified personnel must provide citizens with appropriate guidance at polling locations so that they can participate in an effective and orderly manner.

18. Since the rainy season is approaching, the polling centres for the second round should be sheltered from the rain. It is also necessary to ensure that public transport functions normally, both in terms of number of vehicles and frequency of circulation.

19. The electoral rolls must be reviewed to ensure that the names of all citizens with voter cards appear on the electoral lists and that the rolls displayed publicly at polling locations correspond exactly to the polling teams' lists. The Supreme Electoral Tribunal must therefore permit the citizens concerned to lodge complaints within a period of not less than one week. In addition, the Tribunal's computation centre must verify that the general electoral rolls and the polling teams' lists match.

20. With regard to electoral publicity, the Supreme Electoral Tribunal must take the necessary steps to ensure that there is no publicity that violates articles 4 and 18 of the electoral propaganda rules or that is not in keeping

with the spirit of reconciliation of the peace agreements. Article 4 prohibits organizations that are not political parties from engaging in electoral publicity, and article 18 prohibits the use of the names, symbols and emblems of other parties. Clear instructions must therefore be given in order to prevent a recurrence of the situation that arose in the previous electoral campaign. In the event of illegal publicity, the Tribunal must be more energetic in applying sanctions and ensuring that the sanctions are applied by all the legal means at its disposal.

21. The Supreme Electoral Tribunal must conduct a massive public information campaign emphasizing the following: specific deadlines for the review of the electoral rolls and collection of voter cards; motivation of the electorate to participate in the second electoral round, and provision of information on the location of polling centres, with an indication that public transport will be available.

22. The Supreme Electoral Tribunal must give the Monitoring Board and the political parties greater access to information on the operation of the computation centre, the register and the electoral project unit. Only thus will it be possible to implement effectively the provisions of the Electoral Code on the monitoring of and provision of information on the electoral process.

23. The adoption of measures such as those mentioned above will undoubtedly help to ensure that the second round is better organized. However, the experience gained from the elections already held has shown that there are very serious flaws in the methods used, which indicates that some aspects of the methods should be reconsidered: functioning of the Supreme Electoral Tribunal, organization of the electoral register and rolls, organizational methods at polling locations and their geographical distribution. The Legislative Assembly could consider a complete reorganization of the current system, including the creation of a single civil identity and voter document, as well as a civil register that would facilitate automatic preparation of the electoral roll so that citizens would not have to request inclusion of their names on the rolls.

VI. FINAL CONSIDERATIONS

24. As pointed out in previous reports, the general conduct of the electoral process and the campaign has many positive aspects: massive expansion of the electoral rolls; participation by the political parties throughout the process and at all levels of the electoral authorities; peaceful exercise of the right to organize, of the right to freedom of expression and of the right of assembly; publicity by the parties in all the media; conduct of campaign activities without violent incidents; and proper functioning on the part of the security forces and the armed forces. Unfortunately, the high visibility and frequency of the problems observed on election day, discussed throughout this report, may have helped to leave a particularly negative impression of the overall process, especially with observers, who were concentrated in the final stage.

25. However, the irregularities noted must not be mistaken for significant manipulation of the election by means of fraudulent interference with its essential components, such as ballot boxes, ballot papers and tally sheets. In

fact, where the presidential election is concerned, no party has rejected the results and the ONUSAL observers did not record any fraudulent acts that could have a significant impact on the outcome. Moreover, the fact that the provisional count by the Supreme Electoral Tribunal, the quick count by ONUSAL, the count by the principal political parties and the voting trends identified by pre-electoral surveys all basically tally with one another constitutes an additional technical element confirming that there was no significant manipulation of the election.

26. In general, the Assembly and municipal elections were conducted under the same conditions as the presidential election. The foregoing remarks therefore remain valid in general. However, the smaller size of constituencies at this electoral level means that problems affecting a small number of votes can have a significant impact on the outcome and give rise to challenges such as those mentioned earlier. Such challenges will be dealt with in the manner laid down by the legislation, and ONUSAL will continue to observe how cases evolve until definitive solutions are found. There is no reason why local challenges should affect the overall validity of the electoral process.

27. In view of the foregoing considerations, on 21 March my Special Representative stated:

> In the light of the information gathered by the observers on election day, and in view of the systematic observation of the electoral process that has taken place over the past six months, ONUSAL believes that in general the elections on 20 March took place under appropriate conditions in terms of freedom, competitiveness and security. Despite the serious flaws regarding organization and transparency already referred to, the elections can be considered acceptable.

28. I shall issue a fifth report on the eve of the second round and a sixth immediately after the second round of the presidential elections, probably on 24 April.